



IFW

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Steven Yon, et al. ) Title: SYSTEM AND METHOD  
FOR INDUCING  
HYPOTHERMIA WITH  
ACTIVE PATIENT  
TEMPERATURE  
CONTROL EMPLOYING  
CATHETER-MOUNTED  
TEMPERATURE SENSOR  
AND TEMPERATURE  
PROJECTION  
ALGORITHM  
Serial No.: 10/767,782 ) Examiner: Not Yet Known  
Filed: January 28, 2004 ) Group Art 3739  
Unit:

REQUEST FOR CORRECTION OF OFFICIAL FILING RECEIPT

Commissioner for Patents  
P.O Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Upon review of the Official Filing Receipt dated 6/22/04, it has come to the Applicants' attention that the domestic priority data is incorrect. Attached are copies of the incorrect Official Filing Receipt dated 6/22/04, the Application Filing Transmittal Letter and the Declaration.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O Box 1450, Alexandria, VA 22313-1450, on:

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August 19, 2004

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(Date of Deposit)

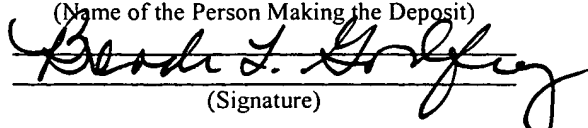
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Brenda L. Godfrey

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(Name of the Person Making the Deposit)

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(Signature)

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August 19, 2004

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(Date of Signature)

Seventeen (17) priority applications were left off the Official Filing Receipt. The application numbers missing are:

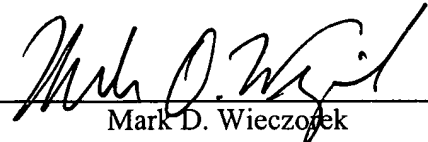
1. 10/158,406 filed on 05/29/2002 now US Pat. No. 6,755,850;
2. 09/785,243 filed on 02/16/2001;
3. 09/384,068 filed on 04/12/2001;
4. 10/322,337 filed on 12/16/2002;
5. 09/379,295 filed on 08/23/1999;
6. 10/714,070 filed on 11/14/2003;
7. 10/716,804 filed on 11/18/2003;
8. 10/210,819 filed on 07/31/2002;
9. 09/908,642 filed 07/18/2001;
10. 10/161,107 filed on 05/30/2002;
11. 10/729,526 filed on 12/05/2003;
12. 10/008,999 filed on 12/07/2001;
13. 09/373,112 filed on 08/11/1999;
14. 10/219,874 filed on 08/14/2002;
15. 10/007,545 filed on 11/06/2001;
16. 10/411,001 filed on 04/09/2003; and
17. 10/117,733 filed on 04/04/2002

Applicants respectfully request that the domestic priority data be corrected and that a new Official Filing Receipt be issued to the Applicants. No fee is believed to be due for this request, however, the Commissioner for Patents is hereby authorized to charge any prescribed fee that may be associated with this request to Deposit Account No. 50-0914.

Respectfully submitted,

Dated: Aug. 19, 2004

By:

  
Mark D. Wiczorek  
Registration No. 37,966  
Attorney for Applicants

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135001



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/767,782	01/28/2004	3739	815	135001	33	63	4

Mark D. Wieczorek  
 Innercool Therapies, Inc.  
 3931 Sorrento Valley Blvd.  
 San Diego, CA 92121



CONFIRMATION NO. 7291

## FILING RECEIPT



\*OC000000013030416\*

Date Mailed: 06/22/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Steve A. Yon, San Diego, CA;  
 Michael Magers, Encinitas, CA;

## Assignment For Published Patent Application

Innercool Therapies, Inc.;

## Domestic Priority data as claimed by applicant

This appln claims benefit of 60/449,809 02/24/2003  
 and claims benefit of 60/449,803 02/24/2003  
 and claims benefit of 60/456,137 03/20/2003  
 and claims benefit of 60/504,145 09/17/2003

## Foreign Applications

If Required, Foreign Filing License Granted: 06/21/2004

Projected Publication Date: To Be Determined - pending completion of Corrected Papers

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

RECEIVED  
 JUN 25 2004  
 INNERCOOL THERAPIES

**Title**

System and method for inducing hypothermia with active patient temperature control employing catheter-mounted temperature sensor and temperature projection algorithm

**Preliminary Class**

607

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



VIA EXPRESS MAIL NO.: EV054747989US

January 28, 2004

Mail Stop: Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Presented for filing is a continuation-in-part utility patent application of:

Applicants: Steve A. Yon and Michael Magers  
Title: **SYSTEM AND METHOD FOR INDUCING  
HYPOTHERMIA WITH ACTIVE PATIENT  
TEMPERATURE CONTROL EMPLOYING CATHETER-  
MOUNTED TEMPERATURE SENSOR AND  
TEMPERATURE PROJECTION ALGORITHM**  
Docket No.: 135001

Enclosed are the following papers, including all those required for a filing date under 37 CFR §1.53(b):

Pages of Specification	101
Pages of Claims	10
Pages of Abstract	1
Pages of Declaration (Signed)	4
Sheets of Drawing	33
PTO Form-2038 Credit Card Payment Forms	2

**EV054747989US**

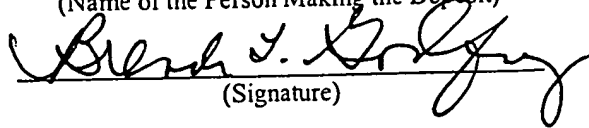
I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. EV054747989US in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

January 28, 2004

(Date of Deposit)

Brenda L. Godfrey

(Name of the Person Making the Deposit)

  
(Signature)

January 28, 2004

(Date of Signature)

**Priority Claim:**

This application is a continuation-in-part of the following U.S. Application Serial Nos.: U.S. Provisional Application Serial No. 60/449,809, entitled "METHOD OF MAKING HEAT TRANSFER ELEMENTS", filed on 2/24/03; U.S. Provisional Application Serial No. 60/449,803, entitled "EMBEDDED TEMPERATURE SENSOR", filed on 2/24/03; U.S. Provisional Application Serial No. 60/456,137, entitled "FLUX DRIFT AS SPATIAL INTEGRATOR FOR TEMPERATURE SENSING", filed 3/20/03; U.S. Provisional Application Serial No. 60/504,145, entitled "TEMPERATURE MONITOR FOR INTRAVASCULAR HEAT TRANSFER ELEMENT", filed 9/17/03; U.S. Application Serial No. 10/158,406, entitled "SELECTIVE ORGAN HYPOTHERMIA METHOD AND APPARATUS", filed on 5/29/02; U.S. Application Serial No. 09/785,243, entitled "CIRCULATING FLUID HYPOTHERMIA METHOD AND APPARATUS," filed on 2/16/01; U.S. Application Serial No. 09/834,068, entitled "METHOD OF MAKING SELECTIVE ORGAN COOLING CATHETER," filed on 4/12/01; U.S. Application Serial No. 10/714,070, entitled "INFLATABLE CATHETER FOR SELECTIVE ORGAN HEATING AND COOLING AND METHOD OF USING THE SAME," filed on 11/14/03; U.S. Application Serial No. 10/322,337, entitled "ISOLATED SELECTIVE ORGAN COOLING METHOD AND APPARATUS," filed on 12/16/02; U.S. Application Serial No. 09/379,295, entitled "METHOD OF MANUFACTURING A HEAT TRANSFER ELEMENT FOR IN VIVO COOLING," filed on 8/23/99; U.S. Application Serial No. 10/716,801, entitled "INFLATABLE HEAT TRANSFER APPARATUS," filed on 11/18/03; U.S. Application Serial No. 10/210,819, entitled "METHOD AND DEVICE FOR APPLICATIONS OF SELECTIVE ORGAN COOLING," filed on 7/31/02; U.S. Application Serial No. 09/908,642, entitled "SELECTIVE ORGAN COOLING CATHETER WITH GUIDEWIRE APPARATUS AND TEMPERATURE-MONITORING DEVICE," filed on 7/18/01; U.S. Application Serial No. 10/161,107, entitled "SELECTIVE ORGAN COOLING APPARATUS AND METHOD," filed on 5/30/02; U.S. Application Serial No. 10/729,526, entitled "METHOD FOR DETERMINING THE EFFECTIVE THERMAL MASS OF A BODY OR ORGAN USING A COOLING CATHETER," filed on 12/5/03; U.S. Application Serial No. 10/008,999, entitled "MEDICAL PROCEDURE," filed on 12/7/01; U.S. Application Serial No. 09/373,112, entitled "PATIENT TEMPERATURE REGULATION METHOD AND APPARATUS," filed on 8/11/99; U.S. Application Serial No. 10/007,545, entitled "CIRCULATION SET FOR TEMPERATURE-CONTROLLED CATHETER AND METHOD OF USING THE SAME," filed on 11/6/01; U.S. Application Serial No. 10/411,001, entitled "FEVER REGULATION METHOD AND APPARATUS," filed on 4/9/03; U.S. Application Serial No. 10/117,733, entitled "METHOD OF MANUFACTURING A HEAT TRANSFER ELEMENT FOR IN VIVO COOLING," filed on 4/4/02; and U.S. Application Serial No. 10/219,874, entitled "SYSTEM AND METHOD FOR PATIENT TEMPERATURE CONTROL EMPLOYING TEMPERATURE PROJECTION ALGORITHM", filed 8/14/02; all of the above are incorporated by reference herein in their entirety.

**Entity Status:**

Applicants qualify for Small Entity Status under the guidelines set forth by the United States Patent and Trademark Office.

**Assignment**

An assignment is attached herewith assigning all interest in this patent to Innercool Therapies, Inc.

**Filing Fee:**

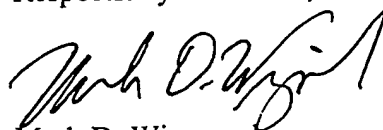
Basic filing fee	\$ 385.00
Total claims in excess of 20 times \$9.00 (43)	\$ 387.00
Independent claims in excess of 3 times \$43.00 (1)	43.00
Multiple dependent claims	0.00
Total filing fee:	\$ 815.00

Enclosed please find a Credit Card Payment Form in the amount of \$815.00 for the payment of the application fee. If additional fees are due in connection with this filing, please charge Deposit Account No. 50-0914.

If this application is found to be INCOMPLETE, or if it appears that a telephone conference would helpfully advance prosecution, please telephone the undersigned at 858/677-6390 x119.

Kindly acknowledge receipt of this application by returning the enclosed postcard.

Respectfully submitted,



Mark D. Wiczorek  
Reg. No. 37,966

Enclosures